

while taking physical therapy.

6. That on or about 17<sup>th</sup> day of April, 2002, had surgery where they took two disks out and replaced with two bones.

7. That at the time of said accident the Plaintiff was employed as a Manager of a pig nursery and was receiving a salary or wages or other earnings the operation of the pig nursery of \$3,000 per month and working approximately 40 to 45 hours per week.

8. That all of Plaintiff's injuries sustained were related to the accident on 4<sup>th</sup> day of December, 2000, and reinjury on the 17<sup>th</sup> day of September, 2001, and that the statute has been tolled by the payment of medical bills associated with these injuries.

9. That as a result of said injuries the Plaintiff has undergone surgery, physical therapy, medication, and several pain treatments.

10. That the employer had notice and knowledge of said accident and injury on or about the 4<sup>th</sup> day of December, 2000, and reinjury on the 17<sup>th</sup> day of September, 2001, and that the statute has been tolled by the payment of medical bills associated with these injuries.

11. That the matters in dispute are:

- a. That medical bills from all the physicians, medication, and physical therapy past and future be paid.
- b. That the Temporary Total Disability be paid from December 4, 2000 to present.
- c. That Plaintiff upon reaching maximum level of recovery be awarded permanent total or partial disability.
- d. That loss of earning capacity be paid.
- e. That vocational rehabilitation be administered and paid

IN THE NEBRASKA WORKERS' COMPENSATION COURT

RODNEY BUELL,	) CASE NO. <i>Doc 203 - 2099</i>
Plaintiff,	)
vs.	) PETITION
FURNAS COUNTY FARMS,	)
Defendant.	)

COMES NOW, the Plaintiff, Rodney Buell, by and through his attorney,  
P. Stephen Potter, and for the cause of action against the Defendant alleges and avers the  
follows:

1. That Defendant, Furnas County Farms, is a Nebraska corporation, located in  
Furnas County Nebraska, with its principle place of Arapahoe, Furnas County, Nebraska, at all  
times relevant.
2. That Plaintiff, Rodney Buell, Social Security #506-92-6901, who was born  
December 7, 1960, whose address is RR 1, Box 20A, Eustis, NE 69028, was an  
employee of Furnas County Farms at all times relevant.
3. That on or about the 4<sup>th</sup> day of December, 2000, the Plaintiff in the scope of  
his employment for Furnas County Farms, Arapahoe, Furnas County, Nebraska, was bending  
over to pick up a ten pound pig and he slipped and fell. He fell on his right side and hit a pen  
post. He continued working that day and took vacation days from January 10 to January 18<sup>th</sup>  
because of the back pain. The injury resulting in herniated disks in Plaintiff's back.
4. That on or about the 2<sup>nd</sup> day of May, 2001, in Good Samaritan Hospital,  
Kearney, Nebraska, Plaintiff had a selective nerve root block of left L5, left L2 dorsal root  
ganglion block, and a posteromedial branch blocks of left L3, L4, L5, and S1.
5. That on or about the 17<sup>th</sup> day of September, 2001, Plaintiff injured his neck

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permanent total or partial disability.

d. That loss of earning capacity be paid.

e. That vocational rehabilitation be administered and paid.

f. That this case is brought with the two year statute of limitation.

WHEREFORE, Plaintiff prays that a hearing be had before the Nebraska Workers' Compensation Court and that the right and liabilities of the parties be determined by said Court; and that the Plaintiff be awarded such benefits as he may be entitled to under the provisions of the Nebraska Worker's Compensation Law.

RODNEY BUELL, Plaintiff

BY

P. Stephens Potter, P.C. #13372  
PO Box 348, 822 Lake Ave  
Gothenburg, NE 69138  
Phone 308-537-7119

BY

RODNEY BUELL

STATE OF NEBRASKA )  
COUNTY OF *Dawson* ) ss

Now on this *12th* day of *October*, 2003, before me, duly appointed and qualified notary public, personally appeared Rodney Buell to me to be the same and identical person who signed the above and foregoing instrument.

GENERAL NOTARY State of Nebraska  
KAROLYN K. WULF  
My Comm. Exp. Aug 29, 2004

Notary Public

06/08/2004 15:03 FAX

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5. That on or about the 17<sup>th</sup> day of September, 2001, Plaintiff reinjured his neck while taking physical therapy.

6. That on or about 17<sup>th</sup> day of April, 2002, had surgery where they took two disks out and replaced with two bones.

7. That at the time of said accident the Plaintiff was employed as a Manager of a pig nursery and was receiving a salary or wages or other earnings the operation of the pig nursery of \$3,000 per month and working approximately 40 to 45 hours per week.

8. That all of Plaintiff's injuries sustained were related to the accident on 4<sup>th</sup> day of December, 2000, and reinjury on the 17<sup>th</sup> day of September, 2001, and that the statute has been tolled by the payment of partial permanent disability payment of \$11,734.79 for the dates of December 4, 2000, through February 23, 2003, and for medical bills associated with these injuries.

9. That as a result of said injuries the Plaintiff has undergone surgery, physical therapy, medication, and several pain treatments.

10. That the employer had notice and knowledge of said accident and injury on or about the 4<sup>th</sup> day of December, 2000, and reinjury on the 17<sup>th</sup> day of September, 2001, and that the statute has been tolled by the payment of medical bills associated with these injuries.

11. That the matters in dispute are:

- a. That medical bills from all the physicians, medication, and physical therapy past and future be paid.
- b. That the Temporary Total Disability be paid from December 4, 2000 to present.
- c. That Plaintiff upon reaching maximum level of recovery be awarded

FORM BPF 148.1 (Chapter 11 Conversion/Partnership Asset Case) (5/97)		Case Number 04-81489
<b>UNITED STATES BANKRUPTCY COURT</b> District of Nebraska		
<b>Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, &amp; Deadlines</b> A chapter 11 bankruptcy case concerning the debtor Partnership listed below was filed on 5/3/04.		
You may be a creditor of the debtor. <b>This notice lists important deadlines.</b> You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. <b>NOTE:</b> The staff of the bankruptcy clerk's office cannot give legal advice.		
<b>See Reverse Side For Important Explanations.</b>		
Debtor (name(s) and address): Furnas County Farms  4860 33rd Avenue Columbus, NE 68601		
Case Number: 04-81489	Taxpayer ID No.: 47-800430	
Attorney for Debtor (name and address): Joseph H. Rudansky Woods & Aikens LLP 801 South 13th St. Suite 500 Lincoln, NE 68508 Telephone number: (402) 437-8500		
<b>Meeting of Creditors:</b> Date: <b>June 4, 2004</b> Time: <b>09:30 AM</b> Location: <b>Roman L. Hruska Courthouse, 111 South 18th Plaza, US Trustee Meeting Room, Omaha, NE 68102</b>		
<b>Deadlines:</b> Proof of claim must be received by the bankruptcy clerk's office by the following deadline: <b>EXPIRATION OF FILING DEADLINE</b> For all creditors (except a governmental unit): <b>5/2/04</b> For a governmental unit: 180 days from order for relief		
<b>Creditors May Not Take Certain Actions:</b> The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.		
Address of the Bankruptcy Clerk's Office: U.S. Bankruptcy Court 111 South 18th Plaza Suite 1125 Omaha, NE 68102 Hours Open: Monday - Friday 8:00 AM - 4:30 PM		Use the Court: Clerk of the Bankruptcy Court Diane Zach Date: 5/3/04

f. That this case is brought with the two year statute of limitation.

WHEREFORE, Plaintiff prays that a hearing be had before the Nebraska Workers' Compensation Court and that the right and liabilities of the parties be determined by said Court; and that the Plaintiff be awarded such benefits as he may be entitled to under the provisions of the Nebraska Worker's Compensation Law.

RODNEY BUELL, Plaintiff

BY \_\_\_\_\_  
P. Stephen Potter, P.C. #13372  
PO Box 348, 822 Lake Ave  
Gothenburg, NE 69138  
Phone 308-537-7119

BY \_\_\_\_\_  
RODNEY BUELL

STATE OF NEBRASKA     )  
                                      )ss  
COUNTY OF             )

Now on this \_\_\_\_ day of \_\_\_\_\_, 2003, before me, duly appointed and qualified notary public, personally appeared Rodney Buell to me to be the same and identical person who signed the above and foregoing instrument.

\_\_\_\_\_  
Notary Public

06/07-14-2004 01:38P FROM:

TO: 13805377118

P12

**FURNAS COUNTY FARMS**  
4860 33<sup>rd</sup> Avenue  
P.O. Box 948  
Columbus, NE 68601-0948

(402)564-9464  
FAX (402)564-9469

Dear Valued Employee:

This letter is to personally inform you about an important step taken by the organization. On Monday, May 3, Furnas County Farms, Furnas County Trucking, Arapahoe Feed Mill, 7-11 and Furnas County Farms Marketing Company announced that it filed for protection under Chapter 11 of the U.S. Bankruptcy Code. The purpose of Chapter 11 is to allow a company to reorganize its debt, while it continues to operate. Keeping the company operating and producing as many pigs per farm as possible is key to our future.

This action is a step toward a stronger future, of which our employees are a significant part. We value your service and commitment to the organization and are doing everything possible to maintain and protect our long-term relationship.

By way of background, Furnas County Farms incurred significant debt obligations as a result of an aggressive acquisition plan in 2000, when we rolled several individual hog farms into Furnas County Farms. The Company was then plagued with animal health issues (PRRS), as well as an unfavorable swine market, and the Company was unable to pay its debt, namely bank debt, in a timely manner.

During the past two years, in spite of financial difficulties, the Company has maintained positive relations with our banks. In fact, the banks have agreed to provide additional financing so that Furnas County Farms and related companies can continue to operate without interruption. The purpose of the Chapter 11 filing is to try to facilitate an orderly sale of the Company, which both the Company and the banks believe is in everyone's best interests. Technically, this is accomplished under Section 363 of the bankruptcy code, which is why it is usually called a "363 sale." This is a similar to the process Farmland Foods went through to sell the Crete, Nebraska plant.

The Company has identified and signed a letter of intent with a potential buyer. Our intent is to qualify this potential buyer so that we can finalize an asset purchase agreement and conduct a 363 sales process.

It is hoped that an actual sales transaction would close this fall. It is also expected that, if the Company is successfully sold, a buyer would likely preserve the jobs currently held by Furnas County Farms, Furnas County Trucking, Arapahoe Feed Mill, 7-11, and Sand Systems personnel, and that these employees would be offered the same or similar jobs by the buyer.

IN THE NEBRASKA WORKERS' COMPENSATION COURT		RECEIVED AND FILED MAR 16 2004 NEBRASKA WORKERS COMPENSATION COURT
RODNEY BUELL,	)	DOC. 203 NO. 2098
	)	
Plaintiff,	)	
	)	CAUSE CONTINUED
vs.	)	
	)	
FURNAS COUNTY FARMS,	)	
	)	
Defendant.	)	

The above cause was heretofore set down for trial on the 4th day of May, 2004, before the Honorable Judge John R. Hoffert.

The said cause has been continued to the 21st day of July, 2004, at 1:00 o'clock p.m., at the Furnas County Courthouse in Beaver City, Nebraska, said hearing to be held before the Honorable Judge John R. Hoffert.



NEBRASKA WORKERS' COMPENSATION COURT  
MICHAEL K. HIGH  
PRESIDING JUDGE

By Kay Peterson  
Clerk

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing cause continued notice was sent by ordinary United States mail, first class postage prepaid, on this 16th day of March, 2004, addressed as shown below, to the following:

P STEPHEN POTTER ATTORNEY AT LAW 822 LAKE AVENUE PO BOX 348 GOTHENBURG NE 68138	DAVID A DUDLEY BAYLOR EVNEN CURTISS GRIMIT & WITT WELLS FARGO CENTER 1248 O STREET SUITE 600 LINCOLN NE 68508
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Kay Peterson  
Clerk, Nebraska Workers' Compensation Court

'C'

COPY

IN THE NEBRASKA WORKERS' COMPENSATION COURT

RODNEY BUELL,	)	
	)	Doc. 203 Page 2099
Plaintiff,	)	
vs.	)	<u>SUGGESTION IN</u>
	)	<u>BANKRUPTCY</u>
FURNAS COUNTY FARMS,	)	
	)	
Defendant.	)	

COMES NOW the Defendant, Furnas County Farms, by and through its attorney,  
D. Steven Leininger, and hereby gives notice that it has filed a Chapter 11 Petition in  
Bankruptcy in the United States Bankruptcy Court for the District of Nebraska, on May  
3, 2004 as Case No. BK04-81489 and that further proceedings in the above-entitled  
action are stayed under 11 U.S.C. Section 362. Attached hereto is a copy of the Notice  
of Bankruptcy Case Filing generated by the Bankruptcy Court's electronic filing system.

BY LEININGER, SMITH,  
JOHNSON, BAACK, PLACZEK,  
STEELE & ALLEN  
104 N. Wheeler  
P.O. Box 790  
Grand Island, NE 68802-0790  
Telephone: (308) 382-1930

By \_\_\_\_\_  
D. Steven Leininger, #12452

**RECEIVED**  
MAY 18 2004  
**RECEIVED**

P.O. Box 348  
Gothenburg, NE 69138

DATE OF SERVICE

The above Suggestion in Bankruptcy was served  
parties by placing copy or copies thereof,  
mail, first class, addressed as follows:

\_\_\_\_\_  
D. Steven Leininger, #12452

32-132(9/94)

" F "

HWY-14-2304 01:29P FROM:

TO: 13085377110

P:3

Page 2 of 2  
Employee Letter

It is important to realize that each of you is key to keeping our Company operational and desirable for a new owner. The Company, along with our bank group, recognizes this and as such has permission to continue to pay payroll, benefits, health insurance and other benefits. Vacation and sick leave should remain unaffected during this process as well.

The key is that we continue to conduct our business operations. Based on the papers that have been presented to the Court, we do not expect any interruption in our business. We will continue to produce and ship hogs to our supplier. Our facilities will operate normally.

There is a website set up that contains information for employees as well as vendors at [www.furnasfarms.com](http://www.furnasfarms.com). Employees that were not able to participate on the May 3, employee conference call, are invited to call and listen to a re-broadcast of the call at 1-800-301-4898. The Human Resources Department will also be able to handle your employee-related questions pertaining to the bankruptcy. Contact Wendy Howley at 402-564-9464, extension 228, or Donna Oliner at extension 252.

It is our intention to provide a continuing flow of information (in writing, electronically, or by conference call) so that you, our employees, along with vendors, and other stakeholders can follow the progress of the Chapter 11 case.


We thank everyone for their continuing support.

Sincerely,



Scott Burroughs  
Operations Management Consultant

IN THE NEBRASKA WORKERS' COMPENSATION COURT		RECEIVED AND FILED JUN - 4 2004 NEBRASKA WORKERS' COMPENSATION COURT
RODNEY BUELL,	)	DOC: 203 NO: 2099
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
FURNAS COUNTY FARMS,	)	
	)	
Defendant.	)	




THIS MATTER came before the Nebraska Workers' Compensation Court in Lincoln, Lancaster County, Nebraska, upon the Suggestion in Bankruptcy filed by Furnas County Farms. These Proceedings are stayed until resolution of the bankruptcy case or upon further order of the United States Bankruptcy Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this matter is stayed pending resolution of the aforementioned bankruptcy proceedings.

Dated at Lincoln, Lancaster County, Nebraska, on this 4th day of June, 2004.

NEBRASKA WORKERS' COMPENSATION COURT



John R. Hoffert  
COPY  
JUDGE

1

IN THE NEBRASKA WORKERS' COMPENSATION COURT

RODNEY BUELL,

Plaintiff,

vs.

FURNAS COUNTY FARMS,

Defendant.

DOC: 203 NO: 2098

ORDER OF STAY RECEIVED  
AND FILED  
JUN - 4 2004  
NEBRASKA WORKERS'  
COMPENSATION COURT

THIS MATTER came before the Nebraska Workers' Compensation Court in Lincoln, Lancaster County, Nebraska, upon the Suggestion in Bankruptcy filed by Furnas County Farms. These Proceedings are stayed until resolution of the bankruptcy case or upon further order of the United States Bankruptcy Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this matter is stayed pending resolution of the aforementioned bankruptcy proceedings.

Dated at Lincoln, Lancaster County, Nebraska, on this 4<sup>th</sup> day of June, 2004.

NEBRASKA WORKERS' COMPENSATION COURT  
  
JUDGE 

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Order of Stay was sent by ordinary United States mail, first class postage prepaid, on this 4<sup>th</sup> day of June, 2004, addressed as shown below, to the following:

P. Stephen Potter  
Attorney at Law

David A. Dudley  
Baylor, Evnen, Curtiss, Grit & Witt

IN THE NEBRASKA WORKERS' COMPENSATION COURT

RODNEY BUELL,

Plaintiff,

vs.

FURNAS COUNTY FARMS,

Defendant.

DOC: 203 NO: 2099

ORDER

RECEIVED  
AND FILED  
MAR 12 2004  
NEBRASKA WORKERS'  
COMPENSATION COURT

On this 26<sup>th</sup> day of February, 2004, this matter comes before the Court on the defendant's Motion for Continuance of Trial presently scheduled for May 4, 2004. Upon due consideration, the Court finds that the motion should be sustained.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the trial in the above-entitled action is hereby continued to the 21<sup>st</sup> day of July, 2004, at 1:00, p.m., at the Furnas County Courthouse in Beaver City, Nebraska.

Dated at Lincoln, Lancaster County, Nebraska, on this 12<sup>th</sup> day of March, 2004.

NEBRASKA WORKERS' COMPENSATION COURT



John R. Hoffert  
COPY

JUDGE